

EXHIBIT 2

Scheduling Order for Administrative Appeal



SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF APPEALS AND HEARINGS

May 28, 2019

FIRST CLASS & EMAIL

Kathleen McDaniel, Esquire
Burnette Shutt & McDaniel, PA
P.O. Box 1929
Columbia, SC 29202
kmcDaniel@burnetteshutt.law

Ariail Kirk Jolley Law Group
P.O. Box 22230
Hilton Head Island, SC 29925
abk@jolleylawgroup.com

RE: Fair Hearing of Planned Parenthood South Atlantic v. SCDHHS
Case No. 18-1523 Provider Termination/Scope Reduction
Pharmacy Medicaid ID#715572
NPI#1497049555
Physician Group Medicaid ID#143724
NPI#1851438147.

Dear Ms.McDaniel & Ms. Kirk:

Enclosed is a Scheduling Order. Please read carefully and reply with the requested hearing dates.

I may be contacted at 843-340-7683 or Phillip.Hughes@scdhhs.gov if you have any questions. While I cannot discuss the underlying issues of the case with you unless all parties are included, I can answer general questions about the hearing procedure and requirements. Please note that communication by email may not be secure.

Sincerely,

Phillip Hughes
Hearing Officer

Enclosure

cc: Amanda Q. Williams, SCDHHS via Email
Marie Brown, SCDHHS via Email

Notice of Non-Discrimination

The South Carolina Department of Health and Human Services (SCDHHS) complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. SCDHHS does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex.

Language Services

If your primary language is not English, language assistance services are available to you, free of charge. Call: 1-888-549-0820 (TTY: 1-888-842-3620).

si habla español, tiene a su disposición servicios gratuitos de asistencia lingüística. Llame al 1-888-549-0820 (TTY: 1-888-842-3620).

خدمات المساعدة اللغوية تتوافر لك بالمجان. اتصل برقم 888-549-0820 (رقم هاتف الصم والبكم: 888-842-3620).
إذا كنت تتحدث اذك اللغة، فإن

STATE OF SOUTH CAROLINA)	BEFORE THE DIVISION OF
)	APPEALS AND HEARINGS OF THE
COUNTY OF RICHLAND)	SOUTH CAROLINA DEPARTMENT OF
)	HEALTH AND HUMAN SERVICES
Planned Parenthood South Atlantic,)	
)	
Petitioner,)	SCHEDULING ORDER
)	
v.)	Case No. 18-1523
)	Provider Termination/Scope Reduction
South Carolina Department of Health)	NPI#1497049555
and Human Services,)	NPI#1851438147
)	
Respondent.)	

INTRODUCTION

Planned Parenthood South Atlantic (Petitioner) has appealed Provider Termination/Scope Reduction action from Respondent South Carolina Department of Health and Human Services (SCDHHS).

JURISDICTION & AUTHORITY

This appeal is adjudicated under the authority granted by the South Carolina General Assembly to SCDHHS to administer various programs and grants. *See, e.g.*, S.C. Code Ann. § 44-6-10. The appeal has been conducted pursuant to the SCDHHS Appeals and Hearings regulations, S.C. Code Ann. Regs. 126-150 *et seq.*, and the South Carolina Administrative Procedures Act, S.C. Code Ann. § 1 23-310 *et seq.* The Hearing Officer may direct procedural and evidentiary issues for the most expeditious resolution of these proceedings. S.C. Code Ann. Regs. 126-154.

SCHEDULING

A Scheduling Order may be helpful to prepare this case for hearing and to outline the limits of discovery. Therefore, I Order the following:

1. Discovery shall be limited as follows:
 - a. Each party is limited to 10 interrogatories, including subparts;
 - b. Each party is limited to 20 requests for production, including subparts; and
 - c. Each party may take no more than 3 depositions.

2. To allow the parties to utilize the full discovery period, the parties shall preliminarily identify proposed witnesses no later than **July 26, 2019**. If information gained during discovery leads a party to believe it needs to identify additional or different witnesses after the July 26, 2019 deadline, the witness list may be amended (a) by consent of all parties or (b) by order of the Hearing Officer. Any witness identified after the **Friday, July 26, 2019** deadline and added or substituted as a witness, whether by consent of the parties or order of the Hearing Officer, may be deposed by any party, without regard for the deposition limitation set forth in Paragraph 1 and without regard to the discovery deadline set forth in Paragraph 3. This Paragraph applies to both expert and fact witnesses.

3. The parties shall complete all discovery in this matter by **September 27, 2019**.
4. The parties shall exchange final witness and exhibit lists no later than **October 25, 2019**.
5. The parties shall file and serve prehearing motions, if any, no later than **November 29, 2019**.
6. Petitioner shall file a brief by **Friday, November 29, 2019**
7. Respondent shall file a brief within **30 days** of Petitioner's brief.
8. Petitioner is permitted to file a reply within **5 days** of Respondent's brief, if desired.
9. The parties are encouraged to file any stipulations by **Friday, January 17, 2020**.
10. The parties are to communicate by **Friday, January 17, 2020** to the Hearing Officer a mutually agreeable hearing date that occurs between **Monday, February 03, 2020** and **Friday, March 27, 2020**

AND IT IS SO ORDERED.



Phillip Hughes
Hearing Officer

COLUMBIA, South Carolina
May 28, 2019